

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09	KRASNIQI BEQIR,	)	Case No. C05-1587-RSM-JPD
10	Petitioner,	)	
11	v.	)	ORDER DENYING PETITIONER'S
12	A. NEIL CLARK, <i>et al.</i> ,	)	MOTION FOR APPOINTMENT OF
13	Respondents.	)	COUNSEL
14	_____	)	

The Court, having considered petitioner's motion for appointment of counsel, and the balance of the record, does hereby find and ORDER as follows:

(1) Petitioner's motion for appointment of counsel (Dkt. #5) is DENIED. There is no right to have counsel appointed in a *habeas* proceeding unless an evidentiary hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992). The Court may exercise its discretion to appoint counsel for a financially eligible individual where the "interests of justice so require." 18 U.S.C. § 3006A.

Petitioner fails to demonstrate that the interests of justice are best served by appointment of counsel in this matter. Moreover, this Court has concluded that no evidentiary hearing is required in order to resolve petitioner's claims.

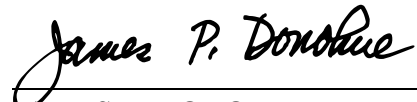
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ORDER DENYING PETITIONER'S MOTION  
FOR APPOINTMENT OF COUNSEL

01 (2) The Clerk shall direct copies of this Order to petitioner, to counsel for respondents,  
02 and to the Honorable Ricardo S. Martinez.

03 DATED this 19th day of October, 2005.

04   
05 JAMES P. DONOHUE  
06 United States Magistrate Judge  
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